

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

PAUL MICHAEL ASTORGA,

Plaintiff,

v.

No. CV 12-1001 WJ/KBM

LAS CRUCES POLICE DEPARTMENT,

Defendant.

**ORDER**

This matter is before the Court on a Motion To Dismiss Without Prejudice, With Leave To Refile (Doc. 4) filed by counsel. Plaintiff initiated this action pro se, and counsel has not entered its appearance. Under Rule 83.4 of the Court's Local Rules, "To participate in a pending proceeding, an attorney must enter an appearance or obtain leave of the Court to sign and file any pleading, motion, or other document." Furthermore, at this stage of the proceeding, Plaintiff may dismiss his action by notice, without leave of the Court. *See* Fed. R. Civ. P. 41(a)(1)(A). The motion may be reconsidered if counsel enters its appearance on behalf of Plaintiff or if Plaintiff signs a motion or notice.

IT IS THEREFORE ORDERED that the Motion To Dismiss Without Prejudice, With Leave To Refile (Doc. 4) filed by counsel is DENIED without prejudice at this time.

  
UNITED STATES CHIEFMAGISTRATE JUDGE